I affirm.

Something is permissible if it is specifically licensed or if there is no prohibition against it; this is the way we use the word in the real world. An action is legally permissible both if a law specifically says it is legal or if there is no law against it.

You affirm if I demonstrate that rationally justifiable universal moral obligations don’t exist. The negative has to prove that deliberate deadly force is not permissible. This clearly involves making a positive claim of moral obligation because something is permissible unless there is an obligation not to do it. If I show that it’s impossible to show that everyone has a moral obligation not to do something then the negative claim is false. This also means that in the absence of proof of a prohibition you would always affirm. And, if there are no universal moral obligations than any action would be morally permissible, just like if there are no laws in a jurisdiction anything would be legally permissible.

To meet this burden I will offer two related arguments about the nature of moral obligation. Additional voting issues and calculus are presented within each argument.

**Part 1 is Closed Morality**

Most analyses of moral obligation are shortsighted because they lack an adequate grasp of human psychology. Obligations are situated within an intrinsically social context. Henri **Bergson** 1 writes [*The Two Sources of Morality and Religion*, part 1: “Moral Obligation”]

**“It takes this violent break to reveal clearly the nexus of the individual to society. In the ordinary way we conform to our obligations rather than think of them. If we had every time to evoke the idea, enunciate the formula, it would be much more tiring to do our duty. But habit is enough, and in most cases we have only to leave well alone in order to accord to society what it expects from us. Moreover, society has made matters very much easier for us by interpolating intermediaries between itself and us: we have a family; we follow a trade or a profession; we belong to our parish, to our district, to our county; and, in cases where the insertion of the group into society is complete, we may content ourselves, if need be, with fulfilling our obligations towards the group and so paying our debts to society. Society occupies the circumference; the individual is at the centre: from the centre to the circumference are arranged, like so many ever-widening concentric circles, the various groups to which the individual belongs. From the circumference to the centre, as the circles grow smaller, obligations are added to obligations, and the individual ends by finding himself confronted with all of them together. Thus obligation increases as it advances; but, if it is more complicated, it is less abstract, and the more easily accepted. When it has become fully concrete, it coincides with a tendency, so habitual that we find it natural, to play in society the part which our station assigns to us. So long as we yield to this tendency, we scarcely feel it. It only assumes a peremptory aspect, like all deep-seated habits, if we depart from it.”**

For obligations to really be obligations, they can’t require constant thought and effort every time we act on them, because they would end up being constantly neglected. Obligations are natural, they have to be like habit to function practically, but because our habits are formed by our society our obligations are necessarily societal. In fact, that is why people tend to think of obligation as something inflexible and demanding: it is a force that comes from outside the individual that provides pressure to us, that is, it is societal. **Bergson** 2 writes

**“It is society that draws up for the individual the programme of his daily routine. It is impossible to live a family life, follow a profession, attend to the thousand and one cares**

**of the day, do one's shopping, go for a stroll, or even stay at home, without obeying rules and submitting to obligations. Every instant we have to choose, and we naturally decide on what is in keeping with the rule. We are hardly conscious of this; there is no effort. A road has been marked out by society; it lies open before us, and we follow it; it would take more initiative to cut across country. Duty, in this sense, is almost always done automatically; and obedience to duty, if we restrict ourselves to the most usual case, might be defined as a form of non-exertion, passive acquiescence. How comes it, then, that on the contrary this obedience appears as a state of strain, and duty itself as something harsh and unbending? Obviously because there occur cases where obedience implies an overcoming of self. These cases are exceptions; but we notice them because they are accompanied by acute consciousness, as happens with all forms of hesitation in fact consciousness is this hesitation itself; for an action which is started automatically passes almost unperceived. Thus, owing to the interdependence of our duties, and because the obligation as a whole is immanent in each of its parts, all duties are tinged with the hue taken on exceptionally by one or the other of them. From the practical point of view this presents no inconvenience, there are even certain advantages in looking at things in this way. For, however naturally we do our duty, we may meet with resistance within ourselves; it is wise to expect it, and not take for granted that it is easy to remain a good husband, a decent citizen, a conscientious worker, in a word an honest fellow. Besides, there is a considerable amount of truth in this opinion; for if it is relatively easy to keep within the social order, yet we have had to enroll in it, and this enrolment demands an effort. The natural disobedience of the child, the necessity of education, are proof of this. It is but just to credit the individual with the consent virtually given to the totality of his obligation, even if he no longer needs to take counsel with himself on each one of them. The rider need only allow himself to be borne along; still he has had to get into the saddle. So it is with the individual in relation to society. In one sense it would be untrue, and in every sense it would be dangerous, to say that duty can be done automatically. Let us then set up as a practical maxim that obedience to duty means resistance to self.”**

But because obligation involves resistance to self, we try to invent rational means of explanation for why we ought to resist our selves and follow obligations instead. But this does not mean that the obligations themselves possess a rational character or that they are rationally deducible. **Bergson** 3 writes

**“It is also what the philosophers have in mind, when they see fit to resolve obligation into rational elements. In order to resist resistance, to keep to the right paths, when desire, passion or interest tempt us aside, we must necessarily give ourselves reasons. Even if we have opposed the unlawful desire by another, the latter, conjured up by the will, could only arise at the call of an idea. In a word, an intelligent being generally exerts his influence on himself through the medium of intelligence. But from the fact that we get back to obligation by rational ways it does not follow that obligation was of a rational order. We shall dwell on this point later; we do not intend to discuss ethical theories for the present. Let us merely say that a tendency, natural or acquired, is one thing, another thing the necessarily rational method which a reasonable being will use to restore to it its force and to combat what is opposing it. In the latter case the tendency which has been obscured may reappear; and then everything doubtless happens as though we had succeeded by this method in re-establishing the tendency anew. In reality we have merely swept aside something that hampered or checked it. It comes to the same thing, I grant you, in practice: explain the fact in one way or another, the fact is there, we have achieved success. And in order to succeed it is perhaps better to imagine that things did happen in the former way. But to state that this is actually the case would be to vitiate the whole theory of obligation. Has not this been the case with most philosophers?”**

The problem is that even if we can use our intelligence to give ourselves reasons to follow a particular obligation, the obligation does not therefore exist because of our rational ability—that confuses the direction of causality. This is especially true because the obligations we try to justify are socially contingent in the first place, along with our rational methods. Jurgen **Habermas** explains further [*Communicative Ethics*]:

**“Kant may have been so readily inclined to foreshorten an intersubjective concept of autonomy in an individualistic direction because he failed to distinguish ethical questions sufficiently from pragmatic questions. Anyone who takes seriously questions of ethical self-understanding runs up against the stubborn cultural meaning of an individual’s or a group’s historically changing interpretations of the world and of themselves. As a child of the eighteenth century, Kant[universalist ethical philosophy] still thinks in an unhistorical way and consequently overlooks the layer of traditions in which identities are formed [and] tacitly assumes that in making moral judgments each individual can project himself into the situation of everyone else through his own imagination. But when the participants can no longer rely on a transcendental preunderstanding grounded in more or less homogeneous conditions of life and interests, the moral point of view can only be realised under conditions of communication that ensure that *everyone* tests the acceptability of a norm, implemented in a general practice, also from the perspective of his own understanding of himself and of the world ... in this way the categorical imperative receives a discourse-theoretical interpretation in which its place is taken by the discourse principle (*D*), according to which only those norms can claim validity that could meet with the agreement of all those concerned in their capacity as participants in a practical discourse.”**

This means that it’s impossible to ever justify the existence of a universal moral obligation for everyone. This analysis precludes any NC that topically negates because they all function under the assumption that it’s possible to logically justify the existence of universal obligations, which means that the implicit premises of their analysis are fundamentally flawed. You can affirm right here since I’ve met the burden laid out at the top of the case.

But that’s not all, folks. **Part 2 is Open Morality.**

Even if it is possible in the abstract to have universal obligations, they could only come about practically through emotion that liberates the individual from societal pressures. Anne Marie **Simonsen** writes [“Two Philosophical Views upon Morality and Religion”]

**“To go from the closed to the open morality is to take a new path away from the pressures of society, towards a new and different morality embracing all of humanity. In all aspects of time, Bergson finds that some outstanding people have outlived this morality, by turning their faces to that “complete morality” or “absolute morality” (Bergson, 1977: 34). It is thereby a morality focusing on the human, whereas the first morality is social. This shift from the first to the second is “not one of degree but of kind” (Bergson, 1977: 35). Individuals will not reach humanity just by thinking that he loves other societies or would like to, as these thoughts will remain thoughts. The real open morality or open soul will on the other hand be able to love all of humanity. It is an unconditional and self- sufficient love that does need to be aimed at a specific entity, as it is already loving. The attitude acquired here calls for an effort, an effort that only by emotion can guide the will beyond the constraints of social pressure. The emotions that men have from nature, based on their instinct, are limited to only act according to their own needs. Emotions in the open morality are instead genuine inventions, “at the origin of which there has always been man” (Bergson, 1977: 41). Bergson goes further to describe two different kinds of emotions, one happening in the closed obligation, the other in the open. The first emotion, that needs an object for it to be affected, is what Bergson calls the infra-intellectual, whereas the other is called supra-intellectual, an emotion already filled with ideas and sensations (Bergson, 1977: 44). The open soul will thus want to act according to these emotions and seeks to be positively inspired by them, and will not see them as forced restrictions from outside, but something it naturally wants to hold on to. To sum up, to the new morality “there is the emotion, which develops as an impetus in the realm of the will, and as an explicative representation in that of intelligence” (Bergson, 1977: 49)”**

This is also sufficient to affirm because it establishes that it’s impossible to actually rationally justify an extra-societal morality; that stems from internal emotion and thus can’t be logically verifiable. But even if they win that this isn’t a voting issue, you still can affirm because this transition to a universal obligation only occurs through a dramatic break between the individual and their surrounding habits and circumstances. Georges **Sorel** writes [*Reflections on Violence* introduction]:

**“Bergson asks us, on the contrary, to consider the inner depths of the mind and what happens there during a creative moment. "There are," he says," two different selves, one of which is, as it were, the external projection of the other, its spatial and, so to speak, social representation. We reach the former by deep introspection, which leads us to grasp our inner states as living things, constantly becoming, as states not amenable to measure. But the moments at which we thus grasp ourselves are rare, and that is just why we are rarely free. The greater part of our time we live outside ourselves, hardly perceiving anything of ourselves but our own ghost, a colourless shadow. Hence we live for the external world rather than for ourselves; we speak rather than think; we are acted rather than act ourselves. To act freely is to recover possession of oneself, and to get back into pure duration." In order to acquire a real understanding of this psychology we must " carry ourselves back in thought to those moments of our life, when we made some serious decision, moments unique of their kind, which will never—any more than the past phases in the be repeated history of a nation will ever come back again." It is very evident that we enjoy this liberty pre-eminently when we are making an effort to create a new individuality in ourselves, thus endeavouring to break the bonds of habit which enclose us. It might at first be supposed that it would be sufficient to say that, at such moments, we are dominated by an overwhelming emotion ;but everybody now recognises that movement is the essence of emotional life, and it is, then, in terms of movement that we must speak of creative consciousness.”**

This establishes that the only way for people to actualize themselves as individuals instead of members of a society, and thus the only way for them to live according to universal rather than societal moral obligations, is to act decisively to liberate themselves from surrounding restrictive pressures. This is also true independent of any of the creative emotion stuff above because moral obligations only apply to free individuals, because an obligation necessarily governs a choice. Thus only individuals who take the effort to act for themselves and not for others who control them are moral agents.

But in the case of the resolution, many survivors of domestic violence can only become free through killing their abusers. Nancy **Wright** [Associate Prof. of Law, Santa Clara Law], “Voice for the Voiceless: The Case for Adopting the "Domestic Abuse Syndrome "for Self Defense Purposes for All Victims of Domestic Violence Who Kill Their Abusers,” 4 Crim. L. Brief 76 (2009), p. 76

**“The women and children who are domestically abused by their spouses or parents are among the most marginalized members of American society, trapped in abusive relationships from which they can see no escape. They are often trapped by their abusers, who isolate them from family and friends who might otherwise provide them with assistance and support in leaving. They are frequently trapped by poverty, making retreat from the abusive situation a financial impossibility. And they are virtually always trapped by the unremitting violence, which not only batters them physically but emotionally as well, making leaving the abusive situation a psychologically unrealistic option. Faced with the inevitable prospect of escalating physical violence, often accompanied by sexual and psychological abuse, some of these women and children decide that the only escape from their imprisonment is to kill their abusers. Every year, almost 500 battered women murder their abusive spouses or partners.18 Although less frequent, studies show that about 2% of all homicides in the nation, or approximately 400 killings each year, are committed by children against their parents. 19 Although not all of these homicides are committed by children who have suffered domestic violence, according to some estimates, more than 90% of the children who commit parricide have been abused by the parent. 20 In situations like these, the tables are turned, and it is the battered women or children who decide that the only way out of their agony is to kill their abusers.”**

This means that the open morality which stems from creative emotion necessarily licenses deliberate deadly force because it is the only way for many abuse survivors to actually free themselves from the control of their surroundings and live as liberated individuals.

And, theory is an RVI for the aff [for 2 reasons]:

( ) When they run theory this becomes a game over issue and the only way for me to establish reciprocity is to make this shell a game over issue for them as well. If I can only win defense off of theory, their strategy becomes a complete time suck, taking up most of my 1ar so I can’t win on substance. I devote a huge amount of time to developing the counter-interp, and as a result I ought to win the round if I am winning the theory debate.

( ) RVIs are key to checking the proliferation of disengagement from substance via theory. This is key to fairness because it horribly skews aff strat if answering theory offers no offensive advantage and key to education because it shifts focus to pointless procedural stuff instead of the topic.

Don’t let them say that RVIs discourage true theory because 1) the claim is non-falsifiable- we don’t know what shells would have been run and 2) would justify straight-up intervention for “true” shells because good theory debaters debating well against them would also discourage bad theory debaters from running them.

And, If both sides have offense on theory and neither side is winning definitively on theory you must affirm for \_\_ reasons

1) If I go all in on theory due to the time disadvantage, evaluating substance just turns theory into a functional no risk issue if the neg can make the theory debate indecisive.

2) If I am fully mitigating the theory this necessarily means I am the better debater because I am neutralizing more arguments in less time, especially because they had the ability to initiate.

3) This is the only way to give me the benefit of the doubt if I am controlling the links on the abuse story by articulating a better understanding of content in round. There is no way to quantify the strength of the violation of the interp via the standards so default aff if I control the abuse story.

4) The neg is choosing to run theory against me rather than engage the substance of the AC because they just think I am going to win the philosophy debate. Don’t force me to also be a better theory debater- if they evade the philo debate and theory is a tie, affirm.

5) This action sets better norms for the activity because it adds a risk to the theory blip spread. If you run a bunch of theory as a time suck and then muddle with 6 minutes in the 2nr you can always completely destroy my strategy. Vote aff on inconclusive competing theory offense to rectify this problem.

Extension framing: [This all serves as procedural weighing on the theory debate which comes before anything because it functions at the layer that couches our understanding of theory. We will both have partial violations of fairness- now here is how we weigh this.

Don’t take the easy out- the negative is running and muddling theory as a strategic tool. I debated better, I deserve to win.]

Ways to win: do all of them.

1) RVI

2) Offensively worded c interp

3) Offense off of their own theory shell

4) Competing offense means affirm.

5) Meta-weighing between standards